
Edward Capewell

Please note: Edd is currently taking a study sabbatical in the United States and is therefore not currently accepting instructions.

Edd practises as an advocate and adviser across the full range of Chambers' work in employment & commercial law and public law. He has experience both as sole counsel and with a leader in litigation before a wide range of courts and tribunals including the High Court, Court of Appeal, County Court, Employment Tribunal, EAT and Upper Tribunal.

Examples of his recent instructions include acting for a hedge fund administrator in a substantial, multi-jurisdictional restrictive covenant/conspiracy action in the High Court (with related New York proceedings), acting for Serco in its recent public procurement challenge to the award of a £0.5b defence fire and rescue contract, acting for HM Government in the recent judicial review challenge to the equalisation of State Pension Age, acting for a group of individuals defending breach of confidence claims in the Intellectual Property Enterprise Court, and acting for the asset manager of a £multibillion real estate portfolio in complex Employment Tribunal proceedings arising out of the transfer of the estate management function.

Specialisms

Employment

In the employment law sphere, Edd's practice is particularly focussed on High Court employment disputes of all types, and whistleblowing and discrimination claims in the employment tribunal. He acts for a wide range of corporate and individual clients across the private and public sectors and is an experienced trial advocate. His recent instructions include acting for several financial services and legal professionals in high-value whistleblowing and discrimination claims in the Employment Tribunal, for a large public authority defending multi-million pound group pay claims in the High Court, for a firm of FX brokers defending claims of automatically unfair dismissal in the Tribunal, and as part of a team of counsel in a substantial civil fraud action in the High Court (wrongful dismissal, deceit, breach of warranty, unlawful means conspiracy and breach of fiduciary duty).

Commercial

Edd has a busy practice in areas of commercial law relevant to his employment and public law practice, and also practises in general commercial litigation. Recent instructions include acting for a higher education institution in a multi-million pound loss of profits claim in the Mercantile Court (**University of Wales v London College of Business Ltd**), as part of a team of counsel in a substantial civil fraud action in the High Court (deceit, breach of warranty, unlawful means conspiracy and breach of fiduciary duty) and for individuals bringing professional negligence actions against their former solicitors.

Public

Edd's public law practice at 11KBW is broad, but has a particular focus on all areas of local government law in which he has significant experience and expertise. Recent cases include the



Professional Summary

Called 2009

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widely-reported recent decision on the establishment of combined authorities (**R(Derbyshire CC) v Sheffield City Region**), a case about land disposal, ‘open space’ and the best consideration duty (**R (Whitstable Society) v Canterbury CC**), the Southampton University freedom of speech case (**R (Ben-Dor) v Southampton University**) and the long-running VAT litigation concerning off-street parking (**Isle of Wight Council v Revenue & Customs Commissioners**). Edd also practises in EU law, particularly as it affects the activities of public authorities (including procurement and state aid matters) as well as in domestic and European human rights law.

Local Government

Edd has a busy practice acting for and against local authorities. He has wide experience of litigation across nearly all areas of local government activity. Recent cases include the widely-reported recent decision on the establishment of combined authorities (**R(Derbyshire CC) v Sheffield City Region**), a case about land disposal, ‘open space’ and the best consideration duty (**R (Whitstable Society) v Canterbury CC**), the long-running VAT litigation concerning off-street parking (**Isle of Wight Council v Revenue & Customs Commissioners**) and the litigation concerning the status of local authority parks constables (**UNISON v Wandsworth BC**).

Recent Reported Cases

R (Delve) v Secretary of State for Work and Pensions (with Julian Milford and Sir James Eadie KC)

[2019] EWHC 2552 (Admin)

State Pension Age equalisation, discrimination, human rights and EU law

Prison Officers Association v Secretary of State for Justice (with Daniel Stilitz KC)

[2018] EWHC 3672 (QB)

Prison officers’ terms and conditions, enforceability of collective agreements and breach of contract

R (Law Centres Network) v Lord Chancellor (with Jason Coppel KC)

[2018] EWHC 1588 (Admin)

Legal aid re-procurement, access to justice and public sector equality duty

Wandsworth LBC v Vining

[2018] ICR 499 (CA)

Human rights and exclusions from trade union rights & the right to claim unfair dismissal

University of Wales v London College of Business Ltd

[2016] EWHC 888 (QB)

Breach of contract, quantum of lost profits, expert evidence

R (Ben Dor) v University of Southampton

[2016] EWHC 953 (Admin)

Academic freedom of expression, human rights and the threat of terrorism

Education

University of Cambridge MA, MPhil

City University, PgDipL

Other

Memberships: ALBA, BEG, COMBAR, ELA, ELBA

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